

**IN THE U.S. PATENT AND TRADEMARK OFFICE BEFORE  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Rainer OBWEGER et al.

Conf. 8998

Application No. 10/560,812

Group 1714

Filed December 15, 2005

Examiner E. Golightly

DEVICE AND METHOD FOR WET TREATING DISC-LIKE SUBSTRATES

**REPLY BRIEF**

MAY IT PLEASE YOUR HONORS:

This is a reply to the Examiner's Answer mailed  
September 29, 2010.

**STATUS OF CLAIMS**

Claims 3, 19, 26 and 36 have been cancelled. Claims 1, 2, 4-18, 20-25, 27-35 and 37 are pending in the application, in which claims 18, 20-21, 32-35 and 37 have been withdrawn and claims 1, 2, 4-17, 22-25 and 27-31 have been finally rejected, from which this appeal is taken.

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The **first** ground for review on appeal is whether claim 6 is sufficiently indefinite to support a rejection under 35 USC §112, second paragraph.

The **second** ground for review on appeal is whether claim 1, 2, 4-11, 13 and 14 are sufficiently unpatentable over U.S. Patent 6,632,292 ("AEGERTER") in view of U.S. Publication 2002/0050244 ("ENGESSER") and U.S. Publication 2002/0162570 ("CAVAZZA") to support a rejection under 35 USC §103(a).

The **third** ground for review on appeal is whether claim 12 is sufficiently unpatentable over AEGERTER in view of ENGESSER, CAVAZZA and U.S. Patent 6,890,390 ("AZAR") to support a rejection under 35 USC §103(a).

The **fourth** ground for review on appeal is whether Claim 15 is sufficiently unpatentable over AEGERTER in view of ENGESSER and CAVAZZA, and further in view of U.S. Patent 4,401,131 ("LAWSON") to support a rejection under 35 USC §103(a).

The **fifth** ground for review on appeal is whether claim 16 is sufficiently unpatentable over AEGERTER in view of ENGESSER and CAVAZZA, and further in view of U.S. Patent 5,788,453 ("DONDE") to support a rejection under 35 USC §103(a).

The **sixth** ground for review on appeal is whether claim 17 is sufficiently unpatentable over AEGERTER in view of ENGESSER and CAVAZZA, and further in view of U.S. Patent 6,532,977 ("OTSUKI") to support a rejection under 35 USC §103(a).

The seventh ground for review on appeal is whether claims 22-24 and 27-30 are sufficiently unpatentable over AEGERTER in view of ENGESSER, CAVAZZA, U.S. Publication 2004/0132318 ("KIM") and AZAR to support a rejection under 35 USC §103(a).

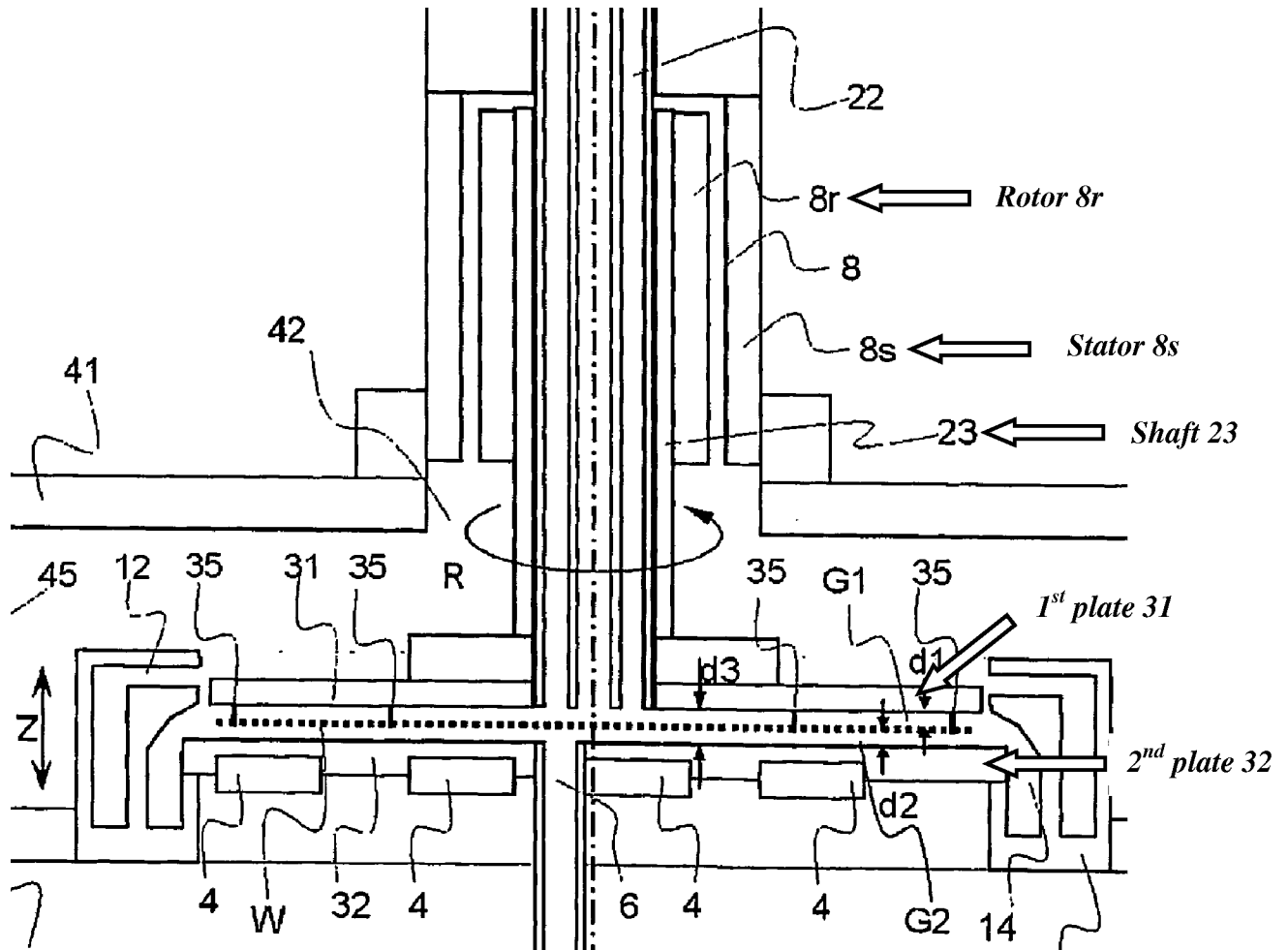
The eighth ground for review on appeal is whether claim 25 is sufficiently unpatentable over AEGERTER in view of ENGESSER, CAVAZZA, KIM and AZAR, and further in view of U.S. Patent 5,762,708 ("MOTODA") to support a rejection under 35 USC §103(a).

The ninth ground for review on appeal is whether claim 31 is sufficiently unpatentable over AEGERTER in view of ENGESSER, CAVAZZA and U.S. Publication 20040132318 ("KIM") to support a rejection under 35 USC §103(a).

#### ARGUMENT

Firstly, the Response to Argument in the Examiner's Answer asserts that the phrase in claim 6, line 2 "*wherein said second plate of itself is not rotatable*" is not clear. However, the Appeal Brief at page 10 clarified this limitation such that one of skill would realize that the means for rotating is not used to rotate the second plate itself. Instead, the rotating means is used to rotate the holding means so that the holding

means and the second plate can rotate relatively. This is clear from the excerpt from Figure 1 of the present invention, reproduced below.



The meaning of the phrase is thus clear in light of the disclosure. The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of

*the specification." Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

At page 21, lines 11-12 in the Response to Arguments the query is: "*What does it mean for a first element to be rotatable relative to a second element and to not be rotatable 'of itself'?*" This means that there has been a misunderstanding of the three options A, B and C set forth at pages 10 and 11 of the Appeal Brief:

A: the first object (means for rotating) rotates and the second object (here the second plate) rotates in different speeds and/or in different directions.

B: the first object rotates and the second object does not rotate.

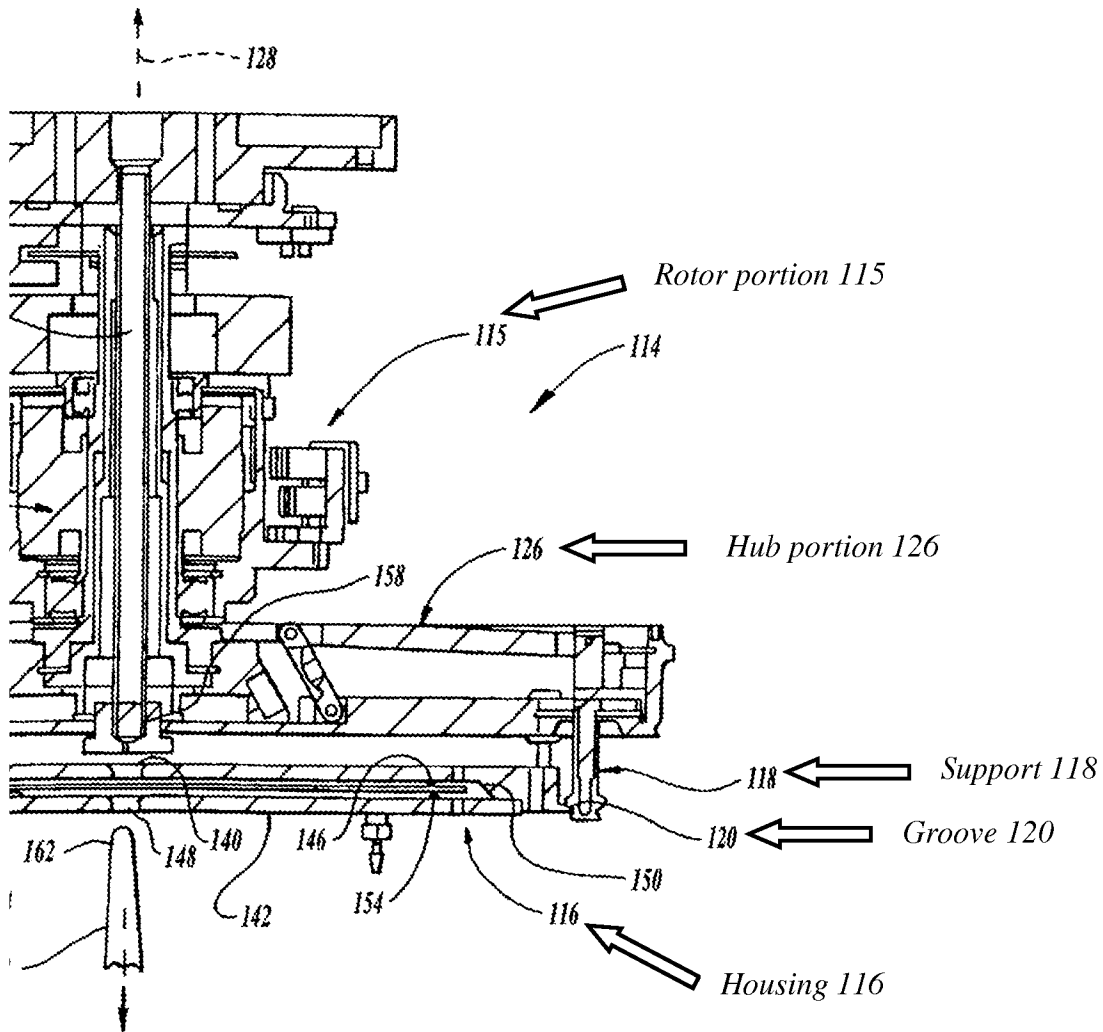
C: the first object does not rotate and the second object rotates.

An analogy can be made in that the earth rotates relative to the universe, which already has been acknowledged during medieval times, although then people thought that the stars rotate and the earth stands still. Now we think the earth rotates and the universe stands still. However, it might be the case that both the earth and the universe rotate. The only fact that all agree is that the earth rotates relative to the universe.

In the Appellant's case it is important that the wafer rotates relative to the second plate no matter whether the wafer stands still or the plate stands still. The only requirement is that the wafer is not joined to the second plate and thus does not rotate with the second plate or both stand still.

Turning to the art rejections, the Response to Arguments takes the position that the limitation "*relative to each other*" in line 14 of claim 1 does not mean that the wafer and second plate rotate relatively against each other. However, as was noted at page 14 of the Appeal Brief, this limitation should be interpreted as being "*relative against each other*" where these two plates separately move no matter whether they move in the same directions at different speeds or even in different directions.

At pages 22 and 23 the Reply Brief asserts that the applied art discloses rotating means which A) performed the function specified in the claims, B) is not excluded by any explicit definitions provided in the specification for an equivalent, and C) is an equivalent of the rotating means, and refers to AEGERTER at column 9, lines 62 to Column 10, line 14 and Figure 4. A portion of Figure 4 of AEGERTER is reproduced below.



**Fig.4**

The passage starting at column 9, line 62 of AEGERTER states:

The embodiment of the reactor 114 of FIG. 4 is generally comprised of a rotor portion 115 and a microelectronic workpiece housing 116. The rotor portion 115 includes a plurality of support members 118 that extend downwardly from the rotor portion

115 to engage the workpiece housing 116. Each of the support members 118 includes a groove 120 that is dimensioned to engage a radially extending flange 122 that extends about a peripheral region of the workpiece housing 116. Rotor portion 115 further includes a rotor motor assembly 124 that is disposed to rotate a hub portion 126, including the support members 118, about a central axis 128. **Workpiece housing 116 is thus secured for co-rotation with hub portion 130 when support members 118 are engaged with flange 122.** Other constructions of the rotor portion 115 and the engagement mechanism used for securement with the workpiece housing 116 may also be used. (Emphasis added).

That is, in Figure 4 of AEGERTER everything rotates together ("co-rotation") and there is no relative rotation. The present invention, as claimed, is thus clearly different from AEGERTER.

The other applied art references do not address this deficiency of AEGERTER.

#### OKAMOTO

The Office Communication of November 2, 2010 presented a translation of OKAMOTO (JP 20010116). There are substantive differences between this reference and the present invention, at least in that Okamoto does not disclose that "holding means and



*first plate are coupled to each other to form a holding unit and wherein second plate is not rotatable".*

**Conclusion**

It is believed that the foregoing discussion underscores the impropriety of the rejections on appeal and supports the showing made in Appellant's main brief that those rejections should be reversed. Such action is accordingly respectfully requested.

Respectfully submitted,

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